

REMARKS

Applicant is in receipt of the Office Action mailed April 6, 2006. Claims 1, 23, 27, 31, and 35 have been amended. Claims 1-11 and 13-40 are pending in the application. Further consideration of the present case is earnestly requested in light of the following remarks.

Applicant has amended independent claims 1, 23, 27, 31, and 35 to more fully characterize the claimed invention and believes that these claims are allowable as currently written.

102 Rejection

Claims 1-7, 9-15, and 17-40 stand rejected under 35 U.S.C. 102 (e) as being unpatentable over Leask et al. (U.S. Patent No. 6,412,106, "Leask"). Applicant respectfully traverses the rejection.

1. A computer-implemented method for creating a graphical program, the method comprising:

creating a first graphical program using a graphical programming development environment, wherein said creating comprises interconnecting at least two of a first plurality of graphical program nodes or icons, wherein the first graphical program comprises the first plurality of interconnected graphical program nodes or icons which graphically represents functionality of the first graphical program, and wherein the first graphical program is executable by a computer system to perform the functionality;

storing the first graphical program in a memory; and

associating a debugging graphical program at a debugging location in the first graphical program, wherein said associating does not modify the functionality of the first graphical program, wherein the debugging graphical program comprises a second plurality of interconnected graphical program nodes or icons that graphically represents functionality of the debugging graphical program, wherein the debugging graphical program was created using the graphical programming development environment;

wherein the debugging graphical program is executable during execution of the first graphical program to aid in debugging at least a portion of the first graphical program.

As the Examiner is certainly aware, anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Leask teaches a system and a method for graphically debugging a graphical representation of a computer program. Leask teaches using debugging tools for debugging a graphical representation of a program, where the debugging tools “may be represented graphically to indicate which tools are currently set in the program” (Leask col. 7, lines 26-29). The Office Action equates the debugging tools of Leask to the debugging graphical program of claim 1. Applicant respectfully disagrees.

Applicant respectfully submits that the present claims are allowable in view of Leask. In particular, the claims recited that the debugging program is a debugging graphical program. Thus, both the first graphical program and the debugging graphical program comprise a respective plurality of interconnected graphical program nodes or icons which graphically represent functionality of the respective graphical program. For example, Figure 7 illustrates an exemplary debugging graphical program that contains a plurality of interconnected nodes. Figure 9 illustrates an exemplary first graphical program with an exemplary associated debugging graphical program. Both of these exemplary graphical programs comprise a plurality of interconnected graphical program nodes or icons that graphically represent the respective graphical program’s functionality.

Further, as recited in claim 1, the association of the debugging graphical program with the first graphical program does not modify the functionality of the first graphical program.

In addition, to further clarify the nature of the debugging graphical program, the present claims have been amended to recite that both the first graphical program and the

debugging graphical program are created using the same graphical programming development environment.

In contrast, Leask teaches a graphical debugging environment, where the graphical debugging environment allows interactive debugging of a graphical representation of a textual program using debugging icons. For example, Leask teaches that the graphical debugging environment of Figure 3 corresponds to the textual debugging environment of Figure 2. Leask does not teach creating any of the debugging icons 410, 412, 414, 416, or 418 using a graphical development environment. Leask does not teach that any of the debugging icons comprise a graphical program. In particular, a single debugging icon CANNOT be a “plurality of interconnected graphical program icons”

Applicant notes that the cited debugging elements of the Leask patent (elements 410, 412, 414, 416, and 418) are icons and are not graphical programs as defined in claim 1. The debugging icons of Leask are not graphical programs, as they do not contain interconnected graphical program nodes. Furthermore, Leask does not teach or suggest the user creating a debugging graphical program using a graphical programming development environment. In contrast, the graphical representations of the debugging tools of Leask are just graphical icon representation of the debugging tools. Leask does not teach creating any of the graphical representations of the debugging tools, such as the cited debugging tools 410, 412, 414, 416, or 418 of Figure 5, using a graphical programming development environment. Leask does not teach creating a debugging program using a plurality of interconnected graphical program nodes or icons that graphically represent the functionality of the debugging graphical program. Thus, the graphical representations of the debugging tools of Leask are not equivalent to the debugging graphical program of claim 1.

For at least the above reasons, Applicant submits that Leask does not teach or suggest all of the features and limitations of the independent claim 1, and thus claim 1 and those claims dependent thereon are patentably distinct over Leask and are thus allowable. Similar arguments apply with equal force to the §102 rejection of independent

claims 23, 27, 31, and 35, and those claims dependent thereon. Thus, Applicant respectfully submits that claims 23, 27, 31, and 35, and those claims dependent thereon are patentably distinct over Leask and are thus allowable.

Section 103 Rejection

Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Leask in view of McKee et al. (U.S. Patent No. 5,915,114, "McKee"). Claim 16 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Leask in view of Kodosky (U.S. Patent Application No. 2003/0037322, "Kodosky"). Applicant asserts that since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims 8 and 16 is not necessary at this time. Thus, Applicant submits that the present claims are allowable. Therefore removal of the section §103 rejection of claims 8 and 16 is respectfully requested.

Applicant also asserts that numerous ones of the dependent claims recite further distinctions over the prior art. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

CONCLUSION

In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-59901/JCH.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

Respectfully submitted,



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